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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,546	11/20/2003	Rob V. Bouchal		5673

7590 12/14/2004

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EXAMINER

BOLLINGER, DAVID H

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,546

Applicant(s)

BOUCHAL ET AL.

Examiner

David H Bollinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4 through 6, 8, 10 through 13, 15 through 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Olexy.

See Figures 6 through 13. Noting the engaging (Figure 8) of a sheet edge, the shaping (Figures 9 and 10) of the sheet edge and the displacing (Figures 11-13) of the sheet. Note also the air jet 114.

3. Claims 1 through 6, 8, 11 through 13 and 16 through 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu et al.

See Figures 4-8 and 11. Noting the engaging (Figure 6) of a sheet edge, the shaping (Figures 7 and 8) of the sheet edge and the displacing (Figure 11) of the sheet.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olexy in view of Takeda.

Olexy as interpreted above in paragraph 2 teaches everything except transferring the sheet to a sheet compactor, the stack of sheets comprises a plurality of media sheets with slip sheets interspersed between adjacent media sheets and the media sheets specifically comprising lithographic or flexographic sheets.

Takeda teaches an apparatus in which media sheets comprising plates P having an image recording layer (column 1 lines 47-49 and of which lithographic and flexographic plates are specific types of such media sheets) and interspersed (see column 1 lines 47-52) slip sheets S comprise a stack. Further, Takeda teaches separating the sheets from the stack so as to process the media sheets and disposes of the slip sheets. The disposal of the slip sheets being to a compactor (see column 12 lines 35-42).

In view of the teachings of Takeda, it would have been obvious to one of ordinary skill in the art to provide the stack of film sheets of Olexy with interspersed slip sheets to protect the surface of the sheets and to provide for the disposal of the removed slip sheets to a compactor. Further, the sheets being a lithographic plate and/or a flexographic plate would have been obvious to one of ordinary skill

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in the art since such plates are known imaging media sheets of the type taught by both Olexy and Takeda.

7. Claims 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al in view of Takeda.

Shimizu et al as interpreted above in paragraph 3 teaches everything except transferring the sheet to a sheet compactor, the stack of sheets comprising a plurality of media sheets with slip sheets interspersed between adjacent media sheets and the media sheets specifically comprising lithographic or flexographic plates.

Takeda teaches an apparatus in which media sheets comprising plates P having an image recording layer (column 1 lines 47-49 and of which lithographic and flexographic plates are specific types of such media sheets) and interspersed (see column 1 lines 47-52) slip sheets S comprise a stack. Further, Takeda teaches separating the sheets from the stack so as to process the media sheets and dispose of the slip sheets. The disposal of the slip sheets being to a compactor (see column 12 lines 35-42).

In view of the teachings of Takeda, it would have been obvious to one of ordinary skill in the art to provide the stack of film sheets of Shimizu et al with interspersed slip sheets to protect the surface of the sheets and to provide for the disposal of the removed slip sheets to a compactor. Further, the sheets being a lithographic plate and/or a flexographic plate would have been obvious to one of ordinary skill

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in the art since such plates are known imaging media sheets of the type taught by both Shimizu et al and Takeda.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olexy in view of VanHorne.

Olexy as interpreted above in paragraph 2 teaches everything except the engagement structure comprises at least one vacuum groove extending longitudinally along the picker bar.

VanHorne teaches a vacuum engagement structure 20 employing at least one vacuum groove (un-numbered) extending longitudinally along the picker bar 16 (see Figures 1, 2A and 2B).

It would have been obvious to one of ordinary skill in the art to employ an engagement structure such as that taught by VanHorne for the engagement structure of Olexy as such is merely the substitution of one known vacuum engagement structure of another.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al in view of VanHorne.

Shimizu et al as interpreted above in paragraph 3 teaches everything except the engagement structure comprises at least one vacuum groove extending longitudinally along the picker bar.

VanHorne teaches a vacuum engagement structure 20 employing at least one vacuum groove (un-numbered) extending longitudinally along the picker bar 16 (see Figures 1, 2A and 2B).

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It would have been obvious to one of ordinary skill in the art to employ an engagement structure such as that taught by VanHorne for the engagement structure of Shimizu et al as such is merely the substitution of one known vacuum engagement structure of another.

10. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one air jet of claim 15, the actuator of claim 16 and the first and second actuators of claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will


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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H Bollinger whose telephone number is 703-308-1113. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David H Bollinger
Primary Examiner 12/9/04
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